



International Law Section
State Bar of California



International Centre
for Dispute Resolution



Canadian Arbitration and Conciliation
Organization
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The International Law Section of the
State Bar of California, ICDR, and CANACO present

DECISION 2006:

Debates on Key Issues in International Arbitration

Friday, March 17, 2006

Balboa Bay Club & Resort

1221 West Coast Highway

Newport Beach, California 92663

888-445-7153

Program Committee:

Steve Andersen

Brent Caslin

Karine Faure Wenger

Cecilia Flores Rueda

John Garman

SPONSORS:

KIRKLAND & ELLIS LLP



6 Hours General MCLE and 1 Hour Ethics

Online registration available at www.calbar.ca.gov/ils

program

Friday, March 17, 2006

8:30–9:00 am Registration

9:00–9:15 am Welcoming Message

9:15–10:00 am Debate I: "Forum selection. Choosing between mediation clauses, arbitration and litigation."
Moderator: Rick Richmond
Panelists: Manuel García Barragán, Roger Alford, Joseph Wu

10:00–10:45 am Debate II: "Ad-Hoc Arbitration and Institutional Arbitration. Choosing the administrative institution."
Moderator: Steven K. Andersen
Panelists: Eduardo Siqueiros Twomey and Jack Coe

10:45–11:00 am Break

11:00–11:45 am Debate III: "Arbitration from two points of view: the in-house counsel and attorney from a law firm."
Moderator: Jesús Sánchez Ugarte
Panelists: Emilio González de Castilla del Valle and Stephen Butler

11:45–12:30 pm Debate IV: "Arbitration Tools: Preliminary Hearings, Terms of Reference and the UNCITRAL Notes on Organizing Arbitral Proceedings."
Moderator: Cecilia Flores Rueda
Panelists: José María Abascal Zamora, Bruce Belding, Richard Page

12:30–2:15 pm Lunch – Sponsored by Thomson/West
Keynote Speaker William K. Slate II, President and CEO, American Arbitration Association and ICDR

**2:15–3:15 pm
(Ethics Hour)** Debate V: "The Code of Ethics of the American Arbitration Association/American Bar Association and International Bar Association Guidelines on Conflicts of Interest in International Arbitration. Other international practices."
Moderator: Matthew Vafidis
Panelists: Javier Rubinstein, Eric Van Ginkel and Ben Sheppard

3:15–4:00 pm Debate VI: "Limits, methods, definitions and customary practices in matters of discovery and information exchange."
Moderator: Cedric Chao
Panelists: Luis Enrique Graham Tapia and Mark Dosker

4:00–4:45 pm Debate VII: "Differences in Arbitration under common law and civil law."
Moderator: John Garman
Panelists: Romualdo Segovia Serrano and Chris Colbridge

4:45–5:00 pm Break

5:00–5:45 pm Debate VIII: "Challenging, recognizing and enforcing awards. The New York and Panama Conventions."
Moderator: Jack Fitzmaurice
Panelists: Roberto Martínez Guerrero and John Bowman

6:00 pm Cocktail reception

registration information

DEADLINE:

Your form and check or credit card information (with signature) must be received by Friday March 10, 2006 to be guaranteed participation in the program.

ON-LINE REGISTRATION:

For immediate registration, you can use our on-line feature by going to the main State Bar of California International Law Section website at

www.calbar.ca.gov/ils

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Visa or MasterCard Information with a signature is mandatory.

CANCELLATIONS/REFUNDS:

All requests for refunds must be emailed to Ed Bernard at edward.bernard@calbar.ca.gov by March 3, 2006. A processing fee of \$25 will be retained.

HOTEL RESERVATIONS:

We have reserved a block of rooms for the program at the Balboa Bay Club and Resort in Newport Beach, and have a secured rate of \$229 for the nights of March 16 and 17, 2006. Please call the hotel at (888) 445-7153 and identify yourself as being with the State Bar of CA Room Block.



panelists and moderators

José María Abascal, Lawyer, counsel and arbitrator in national and international commercial law. Professor Emeritus at the University Iberoamericana. From October 1986 to July 2003, he was Commissioner at the Indemnity Commission of the Security Council of the United Nations on Panel E2, and is a past Prime Vice President of the Mexican Bar, College of Attorneys. He currently serves as Director of the Mediation and Arbitration Commission of the Center for Mediation and Arbitration of the National Chamber of Commerce of Mexico City (CANACO) and President of the Arbitration Labor Group of the United Nations Commission on International Trade Law (UNCITRAL). He has served as arbitrator, counsel and expert in arbitrations per the rules of CANACO, the International Chamber of Commerce, the International Center for Dispute Resolution (ICDR), UNCITRAL and various other arbitration institutions throughout Latin American countries, as well as *ad hoc* arbitration. Member of Directors Council for the American Arbitration Association (AAA), the Executive Committee of AAA, International Committee Council of AAA, London Court of International Arbitration (LCIA), Latin American Arbitration Committee of the ICC and Second Vice President of the Inter-American Commission of Commercial Arbitration (CIAC).

Roger Alford—Professor Roger Alford is a professor of law at Pepperdine University School of Law Malibu, California, where he teaches international arbitration, among other things. Prior to joining the faculty in 2000, Professor Alford served as a senior legal advisor with the Claims Resolution Tribunal for Dormant Accounts in Switzerland, the tribunal established by the Volcker Commission to resolve claims to Holocaust-era dormant Swiss bank accounts. Prior to that he was in private practice with Hogan & Hartson in Washington, D.C., and clerked for the Honorable James Buckley, of the D.C. Circuit and the Honorable Richard Allison of the Iran-United States Claims Tribunal, in The Hague, Netherlands. He received his J.D. from NYU Law School and his LL.M. from Edinburgh University. A regular consultant on arbitration matters; he is the Founder and General Editor of Kluwerarbitration.com, an online arbitration database.

Steven K. Andersen, Vice President of the International Centre for Dispute Resolution (ICDR), a division of the American Arbitration Association (AAA). He has over 10 years of experience in developing the services of the AAA and ICDR. His geographic responsibility includes Canada, Mexico and most of the United States. He is based in the new ICDR office in Mexico City and in San Diego. He is the author of various articles dealing with international arbitration, mediation, NAFTA and on-line dispute resolution. Steve is a California licensed attorney with a Juris Doctorate degree from University of San Diego School of Law.

Bruce W. Belding is a full-time neutral arbitrator of domestic and international cases. His office is in the San Francisco Bay Area. He arbitrates cases throughout the United States and internationally, primarily through the American Arbitration Association and its International Centre for Dispute Resolution. He is a graduate of the University of California, Berkeley, and received his J. D. from U.C. Hastings College of the Law. He has arbitrated over 250 cases over a span of twenty-five years, was a partner in the San Francisco office of an international law firm and is a charter member of the College of Commercial Arbitrators.

John Bowman, A partner in the Houston office of Fulbright & Jaworski L.L.P. since 1991, John Bowman is engaged in an arbitration and litigation practice representing primarily energy and petrochemical companies in a wide range of disputes, both domestic and international, and is co-chair of the firm's Arbitration and ADR Practice Group. He

is a member of the Panel of Arbitrators of the AAA International Centre for Dispute Resolution, was selected by the American Arbitration Association as a member of its National Energy and Commercial Panels, as well as its Houston Oil and Gas Panel, and was appointed by the CPR International Institute for Conflict Prevention and Resolution as a member of its Oil and Gas Panel. He is a Fellow and Certified Tutor of The Chartered Institute of Arbitrators (London) and a Fellow and member of the Board of Directors of the College of Commercial Arbitrators. John is also a founding member of the ICC Latin American Arbitration Group. His recent works include: "The Panama Convention and Its Implementation under the Federal Arbitration Act" (Kluwer Law Int'l 2002) and "Dispute Resolution Planning for the Oil and Gas Industry", 16 ICSID Rev. – F.I.L.J. 332-407 (2001). He graduated from the University of Kansas School of Law.

Stephen D. Butler is managing counsel of Bechtel Corporation in San Francisco. He has over 30 years of domestic and international litigation and ADR practice in both the public and private sectors. He is neutral on ICDR, the AAA's Large Complex Case panels and CPR distinguished neutrals panels. He is also a member of the AAA's Board of Directors, a Fellow and Director of the American College of Construction Lawyers and past co-chair of the IBA's Construction Committee. He is the author of publications on ADR and construction industry subjects and is a frequent speaker at international and domestic conferences on these subjects.

Cedric C. Chao, a partner with Morrison & Foerster in San Francisco, chairs the firm's international litigation and arbitration practice. His practice focuses on commercial litigation, international arbitration, and complex criminal matters. Mr. Chao received his B.A. degree in Economics (with distinction and with departmental honors) from Stanford University in 1972 and his J.D. degree from Harvard Law School in 1977. He served as a law clerk to the Honorable William H. Orrick, United States District Court for the Northern District of California from 1977-1978, and worked as a federal prosecutor from 1978-1981.

Mr. Chao has led litigation teams in significant international and domestic commercial arbitration proceedings under the rules of the American Arbitration Association (both domestic and international arbitrations), the International Chamber of Commerce ("ICC"), the London Court of International Arbitration, and the United Nations Commission on International Trade Law ("UNCITRAL"). He is listed on the panels of approved international commercial arbitrators maintained by CIETAC and the Singapore International Arbitration Centre.

San Francisco Magazine, in its fall 2004 issue, included Mr. Chao on its list of "Northern California Superlawyers." *California Law Business*, in its 1994 survey, named Mr. Chao as one of "California's Top 25 Lawyers Under Age 45." Mr. Chao is listed in *Who's Who in America*, in *Who's Who in the West*, and in *Who's Who in American Law*.

Professor Jack Coe, Jr. teaches International Commercial Dispute Resolution courses at the Straus Institute of Pepperdine Law School and is widely published on international arbitration and related process design topics. He is Co-Chair of the ABA's Committee on International Commercial Dispute Resolution (Section of International Law and Practice) and Chair of the Academic Council of the Institute for Transnational Arbitration. He has argued before investor-state tribunals and has been a party-appointed expert in arbitration on questions of international law. Professor Coe holds a J.D., an LL.M., a PhD, and the Diploma of the Hague Academy.

Chris Colbridge is a partner in the London office of Kirkland & Ellis LLP, where he leads the international litigation and arbitration group. Chris has represented multinational corporations, governments and government-owned entities in international arbitration and litigation cases around the world. He has particular experience conducting white collar criminal investigations. Chris has been cited as a leading international arbitration lawyer in Chambers Global – The World's Leading Lawyers 2004; Chambers UK 2005 and Legal 500. He holds law degrees from King's College, University of London, and Université de Paris 1 (Panthéon-Sorbonne) Licence et Maîtrise en droit privé.

Mark Dosker, Partner at Squire, Sanders & Dempsey LLP, an international law firm with more than 800 attorneys, in 31 offices worldwide. In 1984, he graduated from Harvard Law School. For more than 20 years, he has specialized in international arbitration and complex litigation, including matters relating to class action and class arbitrations. He has handled major cases from Latin America, Asia, Europe and the United States. He is listed as one of the "World's Leading Experts in Commercial Arbitration" (Euromoney 2004). He is a member of the ICDR international panel of arbitrators.

Jack F. Fitzmaurice, Juris Doctor and arbitrator in national, international and commercial law. Adjunct professor at the Universidad Iberoamericana campus noroeste. 1966 graduate with a BS from Villanova University. 1974 graduate from Notre Dame University School of Law and was admitted to the Bar of the State of California. Currently, senior partner at the law firm of Fitzmaurice & Demergian in San Diego, California. Has more than 25 years experience in the practice of law and more than 10 years as arbitrator and mediator. Focus has been upon the litigation and trial of complex business disputes, contracts, bankruptcy and real estate. Member of the United States Bankruptcy Court Mediation Panel and the American Arbitration Association International Panel. Has written several articles, among others, "La Resolución de Conflictos Comerciales a Nivel Internacional" published by Revista Jurídica de Baja California, on October, 1996 and "Summary Remarks on the Practical Aspects of Arbitration", published by the Academia de Derecho Internacional Privado Comparado (DIPC) magazine on April, 2003. Has participated as a presenter at various seminars being the most recent, "Aspectos Prácticos del Arbitraje Internacional" at the 2002 DIPC, National Seminar.

Cecilia Flores Rueda is Secretary General of the Mediation and Arbitration Center of CANACO. As an independent attorney, she participates in several domestic and international arbitrations, relating to construction, international sales transactions, insurance and joint ventures. Mexican Delegate before the Arbitration Working Group of UNCITRAL. She acts as Mexico's correspondent for the web page KluwerArbitration.com. She received her law degree at the Universidad Panamericana, where she also completed post-graduate studies.

Manuel García Barragán Martínez, Attorney, graduated from the Faculty of Law of the UNAM, with a Masters Degree in Comparative Jurisprudence from the Southern Methodist University. Partner at García Barragán and Villela Lawyers, S.C. Professor of Obligations and Contracts at the Faculty of Law of the UNAM. Speaker on the International Contracts Module of the Postgraduate course in International Business of the Escuela Libre de Derecho. His professional practice is centered mainly in the areas of corporate and financial law, national and international contracts, foreign investments and general commercial law, as well as economic law. Arbitrator of CANACO, of the International Court of Arbitration of the ICC and of the Mexican Arbitration Center

John Garman—John Garman's background and experience is in the areas of international commercial transactions and alternate dispute resolution. He is an arbitrator / neutral and has conducted educational programs in Europe and identified issues concerning ADR and the international practice of law. He is an adjunct Professor of Law at University of Southern California Law School and Loyola Law School, Los Angeles, teaching International Commercial Arbitration.

Mr. Garman is a member of the International Chamber of Commerce, Austria as well as a member of the Chartered Institute of Arbitrators, Europe and a member of the United States Council for International Business. He is a Member of the Executive Committee of the International Law section of the State Bar of California.

Mr. Garman is an attorney admitted in California, the District of Columbia and is also a Solicitor of the Supreme Court of England and Wales.

Mr. Garman has recently been appointed to the International Bar Association Task Force to study and evaluate the current text of the UNCITRAL Model Law on International Commercial Conciliation. He is "Of Counsel" to Hasch & Partners, an Austrian law firm and Mr. Garman has an office in Vienna and also Manhattan Beach.

Emilio González de Castilla del Valle, Attorney postulate. Graduate of the Public School of Law. He obtained a masters from Harvard Law School. Teacher on obligations legal and post-graduate studies at the Public School of Law. From 2003-2005 he was the President of the Mexican Bar Association.

Luis Enrique Graham Tapia, partner at Thacher Proffitt & Wood LLP. He has extensively published on commercial arbitration and procedural law, and is the author of *Arbitraje Comercial (Commercial Arbitration)*. He is a member of the Committee Council for Private Commercial Disputes under the Treaty of Free Trade of North America (TLCAN). Mexican Delegate in front of the Arbitration Labor Group of UNCITRAL. Member of the Commission for Mediation and Arbitration for CANACO. Prime Vice-President of the Mexican Bar Association.

Mario Roberto Martínez Guerrero, Founding Partner of Martínez, Algaba, Estrella, de Haro y Galván-Duque, S.C. His professional focus has been in civil law and commercial law, fundamentally in litigation and counseling, participating as an attorney in many international cases. Member of the Arbitration Comisión of CANACO. Mexican Delegate in front of the Arbitration Labor Group of UNCITRAL. Counsel, with 5 other Mexican attorneys, on the "*Transnational Insolvency Project, Principles of Cooperation in Transnational Insolvency Cases Among the Members of the North American Free Trade Agreement*" under the auspices of The American Law Institute. International Consultant for México, with four other Mexican attorneys on the "*ALI/UNIDROIT Principles and Rules of Transnational Civil Procedure*", under the auspices of The American Law Institute.

Richard W. Page is a shareholder in The Page Firm, enjoying an international practice as a mediator, arbitrator and attorney while headquartered in San Diego. He graduated with a J.D. from the University of California, at Davis in 1976 and with a B.A., with distinction, from Stanford University in 1970. His legal practice focuses on business and international litigation in trial and appellate courts, arbitration and mediation. He has arbitrated several hundred cases and has mediated several thousand. He has arbitrated and mediated in English and Spanish and is a member of the Executive Committee of the American Arbitration Association and is a member of several of its panels.

panelists continued

Rick Richmond is a partner and a trial lawyer with experience in U.S. courts, administrative proceedings, and before various arbitration panels. He has tried 18 cases in those venues, along with several TRO and injunction proceedings and argued 17 appeals. Mr. Richmond's areas of practice include virtually all forms of commercial disputes. Recently, he was part of a team that won a \$560 million verdict in punitive and compensatory damages in a patent infringement and licensing case against Medtronic, which settled for \$1.35 billion. Rick is with the Los Angeles office of Kirkland & Ellis LLP.

Javier H. Rubinstein is a partner in Mayer Brown, Rowe & Maw LLP's international arbitration and litigation group, and the Practice Leader for the firm's Litigation Group in the Chicago Office. He is also a Lecturer at the University of Chicago Law School, where he teaches International Commercial Arbitration. A native of Argentina with complete fluency in Spanish, Mr. Rubinstein is a *cum laude* graduate of the Georgetown University Law Center, and also received a Master of Public Policy Degree from the J.F.K. School of Government at Harvard University. He represents clients in a wide variety of arbitrations before the world's leading arbitral institutions, including the ICDR, the ICC, ICSID, and the Court of Arbitration for Sport. Mr. Rubinstein's practice has concentrated principally on disputes arising in Latin America, North America and Europe. He also regularly publishes on the subject of international arbitration, including, most recently, *International Commercial Arbitration: Reflections at the Crossroads of the Common Law and Civil Law Traditions*, 5 Chi J Intl L 303 (2004).

Jesús Sánchez Ugarte, Partner of Kuri Breña, Sánchez Ugarte, Corcuera y Aznar, where he advises on general corporate law, mergers and acquisitions, international trade and commercial arbitration. He obtained his legal degree from the Escuela Libre de Derecho in Mexico City and an LL.M. with a specialization in corporate and international trade law from Columbia University, in New York. Member of the Committee Council of the Mediation and Commercial Arbitration Commission for the Chamber of Commerce of Mexico City (CANACO); Member of the Board of Directors and Mediator of the Mexican Institute of Mediation, A.C.

Ben H. Sheppard, Jr. is Distinguished Lecturer and Director of the A.A. White Dispute Resolution Center at the University of Houston Law Center. He is a retired partner of Vinson & Elkins L.L.P. in Houston, where he practiced from 1969-2005 and was Co-chair of the Firm's worldwide international dispute resolution practice. A member of the ICDR International Panel, he also serves on the ICDR International Advisory Committee and is chair of the subcommittee on the development of a pre-arbitral emergency arbitrator procedure. He is Co-chair of the International Dispute Resolution Committee of the American Bar Association Section of International Law and was the author of the Report and Recommendation to the House of Delegates of the ABA in Support of the 2004 Revision to the AAA/ABA Code of Ethics for Arbitrators in Commercial Disputes.

Matthew Vafidis is a litigation partner with the San Francisco office of Holland & Knight LLP, a United States law firm with over 1,300 lawyers in offices throughout the U.S. and in certain international locations, including Mexico City. A fully qualified English barrister, Mr. Vafidis has practiced as a commercial and admiralty litigation in the U.S. for over 25 years, and, as an advocate, is a specialist in all forms of federal and state litigation, international and U.S. arbitration, and mediation. Mr. Vafidis is also an experienced arbitrator, and, for the past 15 years, has served regularly as a court-appointed mediator and dispute resolution specialist in both state and federal cases.

Eric van Ginkel, mediator and arbitrator specialized in international commercial dispute resolution (including resolving M&A, high-tech, intellectual property and real estate disputes). Mr. van Ginkel is Adjunct Professor in ADR and International Investment Disputes at Pepperdine University School of Law and Counsel to Hughes Hubbard & Reed LLP in Los Angeles. Mr. van Ginkel is an arbitrator and/or mediator for the International Chamber of Commerce, the American Arbitration Association, the International Centre for Dispute Resolution, the Australian Centre for International Commercial Arbitration, and the International Mediation and Arbitration Center. He has mediated more than 100 cases.

Joseph Wu, a partner in the Business Trial and the Intellectual Property groups of Sheppard Mullin, where he specializes in trial practice before State and Federal Courts and before the various international arbitration/mediation forums. Mr. Wu regularly represents clients from Asia (particularly Taiwan, Hong Kong and China) before international arbitration forums in mediation and arbitration proceedings, including the International Chamber of Commerce (Paris), the World Intellectual Property Organization (Geneva), International Dispute Resolution Center (AAA) and J.A.M.S. Clients regularly call upon Mr. Wu to assist in matters involving international business transactions, foreign investments into and divestment out of the U.S., and in claims relating to products liability and patent infringement actions in the United States. Mr. Wu is a volunteer mediator and arbitrator with the Los Angeles Superior Court. Mr. Wu is also Chair of the Firm's Greater China Team, and he is fluent in Chinese.

Mauricio Zavala Garrido received his Law Degree from Universidad La Salle. He has completed several post-graduate courses in contracts, commercial transactions, telecommunication and industrial property.

His professional background includes different positions in the Public Administration of the Federal Government. He was the legal advisor of the *Subsecretario de Normatividad y Servicios a la Industria y al Comercio Exterior*.

He joined Motorola in México on April 2000. In 2002, he took the lead of the Mexico Legal Department. As of 2004, he became responsible for the operations of Motorola in Latin America North region (mainly Venezuela, Colombia, Peru and Costa Rica).

registration form

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March 17, 2006

International Law Section of the State Bar of California

Balboa Bay Club & Resort, **Newport Beach, CA**

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